

40.560 PLAN AND CODE AMENDMENTS

40.560.010 PLAN AMENDMENT PROCEDURES

- A. Purpose. The purpose of this section is to provide guidance as to how the comprehensive plan will be updated and amended over time. Amendments to the comprehensive plan may involve changes in the written text or policies of the plan, or in the map designations adopted as part of the plan or to supporting documents, including capital facilities plans. This section states the specific procedures and review criteria necessary to process comprehensive plan amendments. Plan amendments will be reviewed in accordance with the state Growth Management Act (GMA), the countywide planning policies, the community framework plan, the goals and policies of the comprehensive plan, local city comprehensive plans, applicable capital facilities plans, official population growth forecasts and key growth indicators.
(Sec. 1 (Att. A) of Ord. 1995-12-16)
- B. Overall method of review. Proposed plan amendments that are submitted for review shall be subject to the applicable criteria of this section. The review shall be processed by Type IV procedures in Section 40.510.040. Applications for plan map amendments are generally processed in conjunction with concurrent rezoning requests. Zoning map amendments must be to a zone corresponding to the requested comprehensive plan map designation. Concurrent zoning map amendments must meet all the approval criteria of this chapter and zone changes consistent with the comprehensive plan map shall be considered subject to the approval criteria of Section 40.560.020. (Sec. 1 (Att. A) of Ord. 1995-12-16)
- C. Applicability. The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, zoning map or supporting documents. For the purposes of establishing review procedures, criteria and timelines, amendments shall be distinguished as follows:
1. Comprehensive plan map changes involving urban growth area (UGA) boundary changes;
 2. Comprehensive plan map changes not involving a change to UGA boundaries;
 3. Comprehensive plan policy or text changes;
 4. Changes to other plan documents (such as capital facilities);
 5. Out of cycle amendments limited to the following:
 - a. Emergency,
 - b. The initial adoption of a subarea plan,
 - c. The adoption or amendment of a shoreline master program,
 - d. To resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or from a court of competent jurisdiction, and
 - e. Siting of major industrial developments and/or master planned locations outside UGA boundaries consistent with the requirements of state statute.
- Item (1) may only be initiated by the city or the county at intervals of not less than five (5) years. Items (3), (4) and (5) above may only be initiated by the county. Item (2) above may be initiated by either the county, or a property owner. For the purposes of this section, an emergency exists when delaying action until the next annual review process would result in substantial public harm.
(Sec. 1 (Att. A) of Ord. 1995-12-16; amended by Sec. 3 of Ord. 1997-05-31)
- D. Plan map changes—Procedure.
1. Applications for all plan amendments shall be considered legislative actions, subject to Type IV procedures of Section 40.510.040.
 2. Site-specific plan map amendments requested by private parties shall be considered legislative actions, subject to Type IV procedures, with the following adjustments:
 - a. Site-specific plan map amendment applications recommended for approval by the planning commission shall be automatically scheduled for public hearing in groups based on geographic location and/or land use type before the board to allow assessment of the cumulative impact of the requested changes.
 - b. Site-specific plan map amendment applications recommended for denial by the planning

commission will not be considered by the board unless a written appeal is filed by the applicant or responsible official with the board within fifteen (15) days following mailed notice of the planning commission's recommendation.

- c. Submittal Requirements and Timelines of the Annual Review. All applications for site-specific plan map amendments not involving a change to UGA boundaries requested by parties other than the county shall be submitted as follows:
 - (1) Between October 1st and November 30th, applicants shall submit a preapplication form containing all of the following information:
 - (a) The preapplication fee, as specified in county fee ordinance;
 - (b) Application form signed by the owner(s) of record;
 - (c) Description of request;
 - (d) Section, township, range and 1/4 section;
 - (e) Tax assessors lot and serial number;
 - (f) Street address;
 - (g) Nearest cross street;
 - (h) Related or previous permit activity;
 - (i) Applicant information: signature, phone number, address, city, state and zip code;
 - (j) Applicant's interest in property (whether owner, buyer, lessee, contractor, engineer, consultant or legal representative);
 - (k) Owner information: signature, phone number, address, city, state and zip code;
 - (l) Statement on how the plan/zone change request is consistent with all of the applicable policies and criteria in the comprehensive plan and this chapter.
 - (2) Between October 15th and January 1st, county staff and applicants shall complete preapplication meetings.
 - (3) Between January 1st and February 1st, applicants shall submit an application form containing all of the following including the information required by Section 40.510.030(C)(3):
 - (a) The applicable comprehensive plan and rezone application fees;
 - (b) SEPA checklist and applicable fee;
 - (c) Certified mailing list (certified by the County Assessor or the title company preparing the list), on mailing labels, of all property owners on the site and within three hundred (300) feet of the site, five hundred (500) feet if outside urban growth boundaries;
 - (d) Copy of deed, real estate contract or earnest money agreement;
 - (e) County assessor's map outlining the subject property;
 - (f) Full analysis of how the plan/zone change request is consistent with the applicable policies and criteria in the comprehensive plan and this chapter;
 - (g) Provide any additional information the applicant believes is necessary to justify the amendment.
 - (4) Between February 1st to April 1st, initial county staff review shall include the following:
 - (a) Distribution of applications requesting an amendment to an urban growth area boundary or seeking to amend a designation within an urban boundary to the affected city;
 - (b) Completion of county SEPA official determination;
 - (c) Circulation and publication of SEPA determinations to applicant, affected jurisdiction(s), neighborhood associations and agencies;
 - (d) Preparation of a single staff report and recommendation based on an assessment of cumulative impacts of plan change requests, and any other plan changes initiated by the county.

The above process and timeline is intended as a guideline. Actual processing time may depend upon the number of applications and activity level at the time of formal applications. Following completion of subsections (c)(1) through (c)(4) of this section, county staff shall schedule public hearings before the planning commission. Following the completion of the planning commission public hearings, county staff shall schedule public hearings before the board on those cases recommended for approval by the planning commission or appealed if recommended for denial.
 - (5) All cases recommended for approval by the planning commission or recommended for denial and subsequently appealed to the board, shall be considered by the board with the board ultimately adopting a single resolution disposing of all cases.
 - (6) Burden of Proof. The burden of proving consistency with the criteria for plan amendments shall

be upon the proponent.

(Sec. 1 (Att. A) of Ord. 1995-12-16)

C. Governmental coordination.

1. The county will coordinate with each city and town, the annual review processes. Annual reviews shall be established to occur within each jurisdiction at least once a year.
2. These coordinated annual reviews shall be subject to the criteria of this chapter and that of the applicable jurisdiction and include the following:
 - a. Each urban area annual review, including applications initiated by a city shall assess the cumulative impacts of all potential or requested changes to the comprehensive plan map and policies throughout the specific urban areas as well as, to the countywide plan;
 - b. Proposals that would result in urban development outside of an adopted urban boundary shall not be permitted unless the boundary is amended; and
 - c. Cities, special districts and the county shall cooperate to preserve and protect natural resources, agricultural lands, open space and recreational lands within and near the urban areas.
3. Individual annual review applications may be submitted once a year to the applicable jurisdiction based on a schedule adopted by that jurisdiction. To the extent possible, the same schedule should be adopted by the county and each city/town for each urban area to facilitate mutual review and assessment of the applicable criteria. The following procedure is recommended for consideration of plan amendments or updates:
 - a. After November 30th, distribute copies of preapplication forms submitted by applicant to affected city and agencies;
 - b. Between October 15th and January 1st, complete preapplication meetings with county staff, applicants and affected city and agencies in attendance;
 - c. Between January 1st and February 15th, distribute fully complete applications with any additional information to affected jurisdictions to facilitate their review process;
 - d. In coordinating with the county, the cities shall submit written recommendation or additional information to the county;
 - e. The county shall circulate initial review including SEPA determination and other pertinent information to the affected city and agencies; and
 - f. The county will schedule public hearings before planning commission followed by public hearings before the board.

(Sec. 1 (Att. A) of Ord. 1995-12-16; amended by Sec. 1 (Att. 1) of Ord. 1998-08-09)

D. Comprehensive plan map changes—General. All plan map changes shall be accomplished through the following:

1. Changes approved by the county as a result of a comprehensive periodic review of the plan to be initiated by Clark County at minimum ~~five (5)~~ seven (7) year intervals ~~beginning in 1999~~;
2. Changes approved by the county in response to county, or property owner request not more than once per calendar year;
3. Out of cycle amendments initiated and approved by the county at any time;
4. Applications for map changes and urban growth area boundary amendments shall be consistent with the comprehensive plan matrix table or accompanied by concurrent rezone applications;
5. A county initiated proposal for siting of major industrial developments and/or master planned locations consistent with RCW 36.70A.365 and RCW 36.70A.367 and be processed if accompanied by a current property owner submitted rezone application.
6. The county shall assess the cumulative impacts of all plan map changes against the comprehensive plan, plan text, map and relevant implementing measures. Monitoring benchmarks may be used to assess impacts.

(Sec. 1 (Att. A) of Ord. 1995-12-16)

E. Criteria for all map changes. Map changes may only be approved if all of the following are met:

1. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts;
2. The proponent shall demonstrate that the designation is in conformance with the appropriate locational

criteria identified in the plan;

3. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity;
4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error;
5. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site.

(Sec. 1 (Att. A) of Ord. 1995-12-16; amended by Sec. 1 of Ord. 1997-12-45)

F. Additional criteria for rural map changes. Amendments to the plan map from a natural resource land designation to a smaller lot size natural resource designation or to a rural designation shall demonstrate that the following criteria have been met:

1. The requested change shall not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews.
2. The site does not meet the criteria for the existing resource plan designation.
3. The amendment shall meet the locational criteria for the requested designation.

(Sec. 1 (Att. A) of Ord. 1995-12-16)

G. Additional criteria for rural major industrial map changes. This section governs designations outside of UGA's for major industrial developments under RCW 36.70A.365 and major industrial land banks under RCW 36.70A.367.

1. Process. Prior to formally proposing a designation under this section, the county shall:
 - a. Undertake an inventory of available urban industrial land;
 - b. Consult with affected city(ies) regarding a proposed designation;
 - c. Make a preliminary assessment that the applicable statutory criteria are met and that the proposed location is superior to other potential rural sites; and,
 - d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies).
2. Rezone application. No comprehensive plan redesignation criteria under this section shall be processed unless accompanied by a rezone application from the affected property owner(s).
3. Approval criteria. In addition to the other applicable designation criteria under this chapter, major industrial developments or major industrial land banks may only be approved upon a finding that the requirement and criteria of RCW 36.70A.365 or RCW 36.70A.367, respectively, are met. In addition, a major industrial land bank application shall require a minimum of 100 acres.
4. Available designations.
 - a. Comprehensive Plan:
 - (1) Major Industrial Developments (Light Industrial).
 - (2) Major Industrial Land Banks (Light Industrial).
 - b. Zoning:
 - (1) Major Industrial Developments (ML).
 - (2) Major Industrial Land Banks (ML). Subject to Section 40.520.070 Master Plan Ordinance.
5. Concomitant rezone agreement. No designation under this section shall be approved unless accompanied by a concomitant rezone agreement (or development agreement) which at a minimum assures compliance with statutory requirements and criteria, including the limitations on non-industrial uses in RCW 36.70A.367 (2)(k) for a Major Industrial Land Banks.
6. Adjacent non-urban areas. A designation under this section shall not permit urban growth in adjacent non-urban areas.

H. Rezones/zone changes. Rezone applications considered with a plan map amendment request shall be reviewed consistent with the plan matrix table and according to the procedures and timing specifications for plan map amendment specified in this section and shall comply with Section 40.560.020 and Chapter 40.510. Rezone applications proposing a change from contingent zoning or urban holding to an urban zoning district that is consistent with the comprehensive plan map designation shall be processed consistent with the procedures and criteria identified in the special implementation procedures section in Chapter 12 of the comprehensive plan. See also Section 40.560.020(G).

(Sec. 1 (Att. A) of Ord. 1995-12-16)

- I. Mixed use designation zone change requests. The purpose of this section is to establish the requirements and procedures for the review and approval of rezone application(s) under the comprehensive plan mixed use designation. It is also intended that this section be utilized to implement pertinent county policies relating to mixed use development in a manner compatible with the comprehensive plan policies.
1. Action Required.
 - a. Applications for zone changes shall be reviewed through a Type III procedure in the same manner and with the same public notice procedure as is required for any other change of zoning.
 - b. If a contiguous land area is proposed to be added to an existing mixed use designation, the application shall be subject to the plan change procedural ordinance and applicable criteria.
 2. Criteria. Before an area designated mixed use (MU) on the comprehensive plan is rezoned, the applicant shall demonstrate that:
 - a. The request is consistent with the plan policies and locational criteria and the purpose statement of the requested zoning district.
 - b. Requested zone change is consistent with the plan designation to zoning matrix table.
 - c. The uses to be permitted and the development standard to be applied in the proposed district will promote the goals of the comprehensive plan and other applicable policies adopted by the county, particularly the mixed use policies in Chapters 2, 3, 5, 7 and 10 of the comprehensive plan.
 - d. The proposed rezone and development would be integrated in a manner that provides opportunities to combine residential, commercial or other uses within individual structures, or within adjacent structures or adjacent properties.
 - e. The proposed zone is the most appropriate, taking into consideration the purposes of each zone, the zoning pattern of surrounding land and the policies and intent of the mixed use plan designation;
 - f. The requested zone change shall meet the standards of the MX zone.
 - g. Public services are demonstrated to be capable of supporting the uses allowed by the zone, or will be capable by the time development is complete.

(Sec. 1 (Att. A) of Ord. 1995-12-16)

- J. Additional required criteria specific to urban growth area (UGA) boundary map changes.
1. The county shall adopt countywide growth targets and regional suballocations, and map corresponding UGA boundaries and designations as follows:
 - a. Adopt countywide twenty (20) year target population and employment levels consistent with official State of Washington Office of Financial Management population growth forecasts ranges; and
 - b. Officially suballocate the adopted countywide population and employment targets to urban growth areas associated with each incorporated municipality in the county, and to the remaining rural area; and
 - c. Adopt urban growth area boundaries and comprehensive plan land use designations which are consistent in their sizes and designations with the official suballocation for each UGA and the rural area.
 2. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review proposals shall be initiated by the county as part of a periodic review and update of the plan.
 3. The county may change adopted UGA boundaries only when lands designated within such boundaries have been developed as follows:
 - a. A UGA expansion of residential or commercial lands may occur only if seventy-five percent (75%) or more of the respective residential or commercial vacant and buildable land base originally designated within the incorporated and unincorporated areas of the particular UGA at the time of the last suballocation, including additions through any subsequent expansion, has been consumed through development; or
 - b. A UGA expansion of industrial lands may occur if fifty percent (50%) or more of the vacant and buildable prime industrial land base originally designated within the incorporated and unincorporated areas of the particular UGA at the time of the last suballocation, including additions through any subsequent expansion, has been consumed through development; or
 - c. A UGA expansion of commercial lands otherwise not consistent with the standards of this subsection may be included as part of a larger addition of residential lands consistent with this subsection, provided that the commercial lands are necessary to serve and fully integrated with the residential addition.

- d. The board may waive the criteria in subsection (a) or (b) upon finding that:
 - (1) The request has been formally reviewed and endorsed by the impacted municipality, and
 - (2) The inability to reach the seventy-five percent (75%) threshold is accounted by a small number of parcels within the UGA which account for a significant portion of remaining buildable lands and for which it can be clearly demonstrated that they will not develop in the planning horizon of the existing boundary.
- 4. Any expansion to the UGA shall be accompanied by a demonstration that necessary urban services can and will be provided within ten (10) years' time. Such a demonstration shall include a need analysis estimating what urban services will be required, both in the expansion area and elsewhere in the county, and estimates as to when such services will be needed. Written documentation shall be provided from service providers indicating when, how, at what cost, and from which funding sources service will be provided.
- 5. The extent of a UGA boundary expansion shall be that necessary to provide a minimum ~~ten five-~~ (10)(5) and a maximum ~~twenty ten-~~ (20) (40) year supply of vacant and buildable lands within the UGA. The calculation of supply shall be based on ~~five - (5) and ten - (10) year~~ population growth projections within the UGA, where such projections are consistent with adopted countywide growth targets and regional suballocations. If necessary, the county may adjust countywide growth targets and regional suballocations, provided that they are consistent with official OFM forecasts.
- 6. Lands brought into the UGA through expansion shall carry an urban holding overlay zoning designation unless the following circumstances exist:
 - a. A full range of urban services are immediately available, or planned for within a six (6) year period, with funding sources established; and
 - b. In cases of nonindustrial lands, annexation or incorporation occurs if immediately feasible geographically, or a covenant relative to annexation is executed.
- 7. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide implications for other UGA's and their suballocations.
- 8. The amendment shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 2, of the comprehensive plan.
- 9. The amendment does not include lands that are designated as natural resource (agricultural, forest, mineral resource) unless such lands are also designated with an urban reserve or industrial urban reserve overlay.
- 10. The amendment only indicates lands within the urban reserve area.
- 11. The foregoing subsection shall not apply to the following:
 - a. To correct technical mapping errors involving small area or few properties; and
 - b. Growth Management Hearings Board remand order or from a court of competent jurisdiction.
- 12. The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected city(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected city(ies), such city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a county hearing thereon.

(Sec. 1 (Att. A) of Ord. 1995-12-16; amended by Sec. 2 of Ord. 1997-05-31)

K. Comprehensive plan policy or text changes.

- 1. Action Required. Plan policy or text changes shall be accomplished through the changes initiated and approved by the county. These changes may occur as part of the periodic review update to occur once per ~~seven (7) five - (5) years~~ beginning in ~~2003~~ 1999, or as part of annual changes to the plan once per calendar year, or as part of emergency amendments which may be brought forward at any time, subject to applicable provision of this chapter.
- 2. Required Criteria. Plan text or policy changes may be approved only when all of the following are met:
 - a. The amendment shall meet all the requirements of, and be consistent with the Growth Management Act and other requirements, the countywide planning policies, the community framework plan, twenty- (20) year plan, local comprehensive plans, applicable capital facilities plans and official population growth forecasts.
 - b. The amendment, when applicable, shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 2, of the comprehensive plan.
 - c. The county shall assess the cumulative impacts of all plan policy or text changes against the comprehensive plan, plan text, map and relevant implementing measures.

(Sec. 1 (Att. A) of Ord. 1995-12-16)

L. Other plan amendment categories.

1. Capital facilities plan and updates, shall be reviewed annually in Type IV public hearings conducted by the planning commission and board for those facilities subject to county jurisdiction.
2. The Clark County parks, recreation and open space plan shall be reviewed annually by the Clark County parks advisory board and the board. Any amendments thereto which necessitate changes to the comprehensive plan shall be reviewed in public hearings by the planning commission and the board.
3. In updating capital facilities plans, policies and procedures, the county must determine that these updates are consistent with applicable policies and implementation measures of the comprehensive plan, and in conformance with the purposes and intent of the applicable interjurisdictional agreements.
(Sec. 1 (Att. A) of Ord. 1995-12-16)

M. Out of cycle amendments.

1. Revisions to the comprehensive plan may be considered more frequently than once per year under the following circumstances:
 - a. Emergency in which a delay in action would result in a significant public harm;
 - b. The initial adoption of a subarea plan;
 - c. The adoption or amendment of a shoreline master program; and
 - d. To resolve an appeal of a comprehensive plan filed with a Growth Management Hearings Board or from a court of competent jurisdiction.
 - e. Siting of major industrial developments and/or master planned locations outside urban growth areas consistent with requirements of the RCW 36.70A.365 plus RCW 36.70A367.
2. Plan amendments reviewed under these conditions shall be considered legislative actions, subject to Type IV procedures of Section 40.510.040.
3. All amendments shall be considered subject to the review criteria established in this chapter.
(Sec. 1 (Att. A) of Ord. 1995-12-16)

N. Siting of state and regional public facilities of a countywide or statewide nature. Plan amendments to implement the policies of the comprehensive plan regarding proposals for siting essential public facilities such as airports, state educational facilities and other institutions necessary to support community development may be considered as follows:

1. Government facilities may be established as provided in other land use districts through the procedures specified in the applicable district without plan amendment.
2. Application for siting of public facilities may be approved if criteria as noted herein, are met:
 - a. The county shall in cooperation with other jurisdictions ensure that siting of regional facilities is consistent with all elements of the adopted county comprehensive plan, local city plan and other supporting documents;
 - b. The proposed project complies with all applicable provisions of the comprehensive plan, including countywide planning policies;
 - c. The proposal for siting of a public facility contains interjurisdictional analysis and financial analysis to determine financial impact and applicable intergovernmental agreement;
 - d. Needed infrastructure is provided for;
 - e. Provision is made to mitigate adverse impacts on adjacent land uses;
 - f. The plan for the public facilities development is consistent with the county's development regulations established for protection of critical areas; and
 - g. Development agreements or regulations are established to ensure that urban growth will not occur if located adjacent to nonurban areas.

(Sec. 1 (Att. A) of Ord. 1995-12-16)

O. Cumulative impact. In reviewing all prospective comprehensive plan changes, the county shall analyze and assess the following to the extent possible:

1. The cumulative impacts of all plan map changes on the overall adopted plan, plan map and relevant implementing measures, and adopted environmental policies;
2. The cumulative land use environmental impacts of all applications on the applicable local geographic area and adopted capital facilities plans;
3. Where adverse impacts are identified, the county may require mitigation. Conditions which assure that identified impacts are adequately mitigated may be proposed by the applicant and if determined to be

adequate, imposed by the county as a part of the approval action.

(Sec. 1 (Att. A) of Ord. 1995-12-16)

P. Fees. Application fees for all comprehensive plan and zone changes shall be considered as follows:

1. Filing fees for all plan amendments and zone changes shall be considered subject to the provisions of Chapter 6.110.
2. If multiple similar applications are received in a year, fees set in Section 40.570.100(B) may be adjusted downward by the responsible official to reflect actual cost.

(Sec. 1 (Att. A) of Ord. 1995-12-16; amended by Sec. 26 of Ord. 1998-11-02)

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